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of mining ideas is in accord with the extralateral rule, and that for geological reasons the law should not be repealed. It must be admitted that he sustains his position by very logical argument. However, it is still an open question whether this most fruitful source of litigation in mining enterprises is not a detriment and drawback rather than an aid to progressive mining development. Were veins regular and their boundaries both on strike and dip easily defined, his position would appeal more to the practical miner. The existence, however, in every apex suit of questions of fact that are almost impossible of certain solution leads the practical miner to prefer the old common law side-line rule, where the rights of all are clearly defined. In Nevada, to-day, where the congestion in the courts has delayed the decision of a multitude of apex suits many districts have voluntarily established the old law in settlement of their disputes.

The balance of the book is taken up with a discussion of placers (Ch. 17); water (Ch. 18); two parenthetical chapters (19 and 20) on the use of geology in law and industry; forms and procedure for locating mining claims (Ch. 21); and procedure to obtain patent (Ch. 22). The last two chapters are written by Mr. George D. Emery who, in addition to his disagreement with the author as to the necessity of adverting by a tunnel locator, further disagrees (p. 331), as to the width of a tunnel claim. Of the above chapters that on the subject of water gives one the impression of hasty preparation without much regard for fundamental principle.

While the appendix contains much valuable matter, it is unjustifiably long since mining statutes are not passed once for all. Accordingly one could not rely on such a digest of them as is here presented. On the other hand the pages on scientific bibliography are extremely valuable in that they point out the marked points of similarity and dissimilarity between the various state laws with accurate reference to the authorized publications. The closing pages on classification of rocks and geological formations are also valuable.

The convenient form and arrangement of the book together with its novel combination of the scientific with the legal aspect of the subject make it a real addition to the literature on Mining Law.

BOOKS RECEIVED:

A TREATISE ON FACTS; OR, THE WEIGHT AND VALUE OF EVIDENCE. By CHARLES C. MOORE. Northport, L. I., N. Y.: Edward Thompson Co. 1908. 2 vols. pp. clxviii, 1612.

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THE LAW OF BAILMENTS AND CARRIERS. By PHILIP T. VAN ZILE. 2nd Ed. Chicago: Callaghan & Co. 1908. pp. lxxiii, 856.

SELECT ESSAYS IN ANGLO-AMERICAN LEGAL HISTORY. By various authors. Compiled and Edited by a COMMITTEE OF THE ASSOCIATION OF

AMERICAN LAW SCHOOLS. Boston: Little, Brown & Co. 1908. Vol. II., pp. vii, 823.

THE LAWS OF WAR ON LAND. By THOMAS ERSKINE HOLLAND, K. C. London and New York: Henry Frowde. 1908. pp. viii, 149.

THE CONSTITUTIONAL HISTORY OF ENGLAND. By F. W. MAITLAND. Cambridge: G. P. Putnam's Sons. 1908. pp. xxviii, 547.

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THE CORPORATION MANUAL. Edited by JOHN S. PARKER. 15th Annual Ed. New York: Corporation Manual Co. 1908. pp. xiii, 1816.

WATER RIGHTS IN THE WESTERN STATES. By SAMUEL E. WIEL. 2nd Ed. San Francisco: Bancroft-Whitney Co. 1908. pp. lxvii, 974.

PROBATE REPORTS ANNOTATED. Edited by WILLIAM L. CLARK. New York: Baker, Voorhis & Co. 1908. Vol. XII., pp. xxiv, 807.

THE SCIENCE OF JURISPRUDENCE. By HANNIS TAYLOR. New York: The Macmillan Co. 1908. pp. lxxv, 676.

MINING LAW AND LAND OFFICE PROCEDURE, with Statutes and Forms. By THEODORE MARTIN. San Francisco: Bender-Moss Co. 1908. pp. lxxv, 980.

THE INCORPORATION AND ORGANIZATION OF CORPORATIONS. By THOMAS GOLD FROST. 3rd Ed. Boston: Little, Brown & Co. 1908. pp. xv, 908.

THE NEGOTIABLE INSTRUMENTS LAW. Annotated by JOHN J. CRAWFORD. 3rd Ed. New York: Baker, Voorhis & Co. 1908. pp. xlviii, 212.

THE POWERS OF THE AMERICAN PEOPLE. By MASUJI MIYAKAWA. 2nd Ed. New York: The Baker & Taylor Co. 1908. pp. xiv, 431.

MARKETABLE TITLE TO REAL ESTATE, Being also a Treatise on the Rights and Remedies of Vendors and Purchasers of Defective Titles (As Between Themselves). 2nd Ed. By CHAPMAN W. MAUPIN. New York: Baker, Voorhis & Co. 1907. pp. lxxvi, 910.

HANDBOOK OF THE LAW OF SURETYSHIP AND GUARANTY. By FRANK HALL CHILDS. St. Paul, Minn.: West Publishing Co. 1907. pp. x, 572.

ALGER & SLATER ON THE NEW YORK EMPLOYERS' LIABILITY ACT. 2nd Ed. Albany, N. Y.: Matthew Bender & Co. 1907. pp. xlvii, 291.

VOLUME 2. INDEX-DIGEST OF NEW YORK COURT OF APPEALS DECISIONS. 1902-1907. By COLIN P. CAMPBELL. Albany, N. Y.: Matthew Bender & Co. 1907. pp. 282.